
A BILL FOR AN ACT

RELATING TO SOCIAL MEDIA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 378, Hawaii Revised Statutes, is
2 amended by adding a new section to Part I to be appropriately
3 designated and to read as follows:

4 "§378- Employer access to employee social media
5 prohibited. (a) An employer shall not require or request an
6 employee or applicant for employment to do any of the following:

7 (1) Disclose a username or password for the purpose of
8 accessing the employee's or applicant's personal
9 social media;

10 (2) Access the employee's or applicant's personal social
11 media in the presence of the employer; or

12 (3) Divulge any personal social media, except as provided
13 in subsection (b).

14 (b) Nothing in this section shall affect an employer's
15 existing rights and obligations to request an employee to
16 divulge personal social media reasonably believed to be relevant
17 to an investigation of allegations of employee misconduct or
18 employee violation of applicable law; provided that the social



1 media is used solely for purposes of that investigation or a
2 related proceeding.

3 (c) Nothing in this section shall preclude an employer
4 from requiring or requesting an employee to disclose a username
5 or password for the purpose of accessing an employer-issued
6 electronic device.

7 (d) An employer shall not discharge, discipline, threaten
8 to discharge or discipline, or retaliate against an employee or
9 applicant for not complying with a request or demand by the
10 employer that violates this section; provided that this section
11 shall not prohibit an employer from terminating or taking an
12 adverse action against an employee or applicant if otherwise
13 permitted by law.

14 (e) As used in this section, "social media" means an
15 electronic service or account or electronic content, including
16 videos, photographs, blogs, video blogs, podcasts, instant and
17 text messages, email, online services or accounts, or internet
18 website profiles or locations."

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

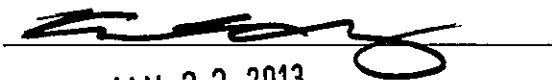
22 SECTION 3. New statutory material is underscored.



H.B. NO. 713

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: 
JAN 22 2013

H.B. NO. 713

Report Title:

Social Media; Password; Username; Privacy; Employer; Employee; Employment

Description:

Prohibits employers from requiring employees and applicants for employment from disclosing social media usernames or passwords.

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